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John Purnell

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EXAMINER

BAUM, RONALD

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/665,419	Applicant(s) PURNELL, JOHN	
	Examiner RONALD BAUM	Art Unit 2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in reply to applicant's correspondence of 27 December 2007.
2. Claims 1-26 are pending for examination.
3. Claims 1-26 remain rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7, 9, 11-15, 17-19, 21-25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Smithies et al, U.S. Patent No. 6,091,835.

5. As per claim 1; "An identity management system to authenticate the identity of an individual, comprising:

a vetting workstation

to verify the identity of the individual and

generate identification data [*Abstract, col. 1, line 15-col.11, line 40, figures 1-3, 5*

and associated descriptions, whereas the affirmation system for associating a specific

(authenticated 'to verify the identity of the individual') party to a document, transaction

or event, via an affirmation 'ceremony' sequence of recorded steps, implemented as part

of a client/server (and associated databases supporting the various workstations/client

functions) configuration over a wide area network (i.e., the Internet /WEB), and more

particularly, the workstations utilized as parts of the affirmation process of authenticating parties (i.e., vetting, enrollment inclusive of issuance of affirmation tokens (' generate identification data '), such as smart cards, etc.,) for affirmation of given documents, transactions or events, clearly encompasses the claimed limitations as broadly interpreted by the examiner.];

an enrollment workstation

to enroll the individual whose identity has been verified,

to issue a physical identification token, and

generate identification data [*Abstract, col. 1, line 15-col.11, line 40, figures 1-3, 5*

and associated descriptions, whereas the affirmation system for associating a specific

(authenticated/verified) party to a document, transaction or event, implemented as part of

a client/server configuration over workstations utilized as parts of the affirmation

process of authenticating parties (i.e., enrollment inclusive of issuance of affirmation

tokens (' to issue a physical identification token '), such as smart cards, etc.,) for

affirmation of given documents, transactions or events, clearly encompasses the claimed

limitations as broadly interpreted by the examiner.]; and

a core system

networked with

the vetting workstation and

the enrollment workstation

to provide

a central clearinghouse for the storage and

exchange of identification data [*Abstract, col. 1, line 15-col.11, line 40, figures 1-3, 5 and associated descriptions, whereas the affirmation system implemented as part of a client/server (and associated databases supporting the various workstations/client functions) configuration over a wide area network (i.e., the Internet /WEB), and more particularly, the workstations utilized as parts of the affirmation process, clearly encompasses the claimed limitations as broadly interpreted by the examiner.*].”.

And further as per claim 11, this claim is the method claim for the apparatus (system) claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection; “An identity management process for authenticating the identity of an individual, comprising:

pre-enrolling the individual in an identity management system by collecting personal information submitted by the individual and storing the information in a database;

vetting the individual by authenticating the personal information through at least one database of at least one of law enforcement, government and background checking organizations;

enrolling the individual into the identity management system; comparing personal information collected during pre-enrolling to data collected during enrolling;

vetting the individual by conducting at least a background check of the individual; and issuing a physical identification token to the individual.”.

And further as per claim 21, this claim is the embodied software claim for the apparatus (system) claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection; “A computer usable program embodied on a computer usable medium having computer readable program code means, comprising:

pre-enrolling an individual in the identity management system by recording personal information submitted by the individual;

enrolling the individual into the identity management system;

vetting the individual by authenticating personal data through the query of a plurality of databases including law enforcement, government and background checking organizations; and issuing a physical identity token to the individual.”.

6. Claim 2 *additionally recites* the limitations that; “The identity management system of claim 1, further comprising

a security check workstation

to validate the identity of the individual at a facility using

the identification token, and

to record identification data, wherein

the core system is networked with

a security check workstation.”.

The teachings of Smithies et al (Abstract, col. 1, line 15-col. 11, line 40, figures 1-3, 5 and associated descriptions, whereas the affirmation system for associating a specific party to a document, transaction or event, via an affirmation 'ceremony' sequence of recorded steps,

implemented as part of a client/server configuration over a wide area network, and more particularly, the workstations (' security check workstation ') utilized during (' to record identification data ') the affirmation process for affirmation of given documents, transactions or events with said specific parties, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

And further as per claim 15, this claim is the method claim for the apparatus (system) claim 2 above, and is rejected for the same reasons provided for the claim 2 rejection; “The identity management process of claim 11, further comprising
conducting security checks at least one location using
a security workstation
by at least one of
scanning the identity token of
the individual,
verifying biometric data of
the individual and
querying the core system for
identity data.”.

And further as per claim 25, this claim is the embodied software claim for the apparatus (system) claim 2 above, and is rejected for the same reasons provided for the claim 2 rejection; “The computer program of claim 21, further comprising

conducting security checks at various locations using
one or more security workstations by at least one of
scanning the identity token of
the individual,
verifying biometric data of
the individual and
querying the core system for
identity information.”.

7. Claim 3 *additionally recites* the limitations that; “The identity management system of claim 1, further comprising
a check-in workstation for
checking-in individuals possessing the identification token,
wherein
the core system is networked with
the checking workstation.”.

The teachings of Smithies et al (Abstract, col. 1, line 15-col. 11, line 40, figures 1-3, 5 and associated descriptions, whereas the affirmation system for associating a specific party to a document, transaction or event, via an affirmation 'ceremony' sequence of recorded steps, implemented as part of a client/server configuration over a wide area network, and more particularly, the workstations (' a check-in workstation ') utilized during (' checking-in individuals possessing the identification token ') the affirmation process for affirmation of given

documents, transactions or events with said specific parties, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

And further as per claim 14, this claim is the method claim for the apparatus (system) claim 3 above, and is rejected for the same reasons provided for the claim 3 rejection; “The identity management process of claim 11, further comprising

checking-in the individual at a location

by at least one of

scanning the identification token of

the individual,

verifying biometric data of

the individual and

querying the core system for

identity data.”.

And further as per claim 24, this claim is the embodied software claim for the apparatus (system) claim 3 above, and is rejected for the same reasons provided for the claim 3 rejection;

“The computer program of claim 21, further comprising

checking-in the individual by at least one of

scanning the identity token of

the individual,

verifying biometric data of

the individual and
querying the core system for
identity information.”.

8. Claim 4 *additionally recites* the limitations that; “The identity management system described in claim 3, wherein

the check-in workstation is
an automated kiosk.”.

The teachings of Smithies et al (Abstract, col. 1, line 15-col. 11, line 40, figures 1-3, 5 and associated descriptions, whereas the affirmation system for associating a specific party to a document, transaction or event, via an affirmation 'ceremony' sequence of recorded steps, implemented as part of a client/server configuration over a wide area network, as applied to applications utilizing automated ('automated kiosk ') network nodes (i.e., commercial transaction systems, ATMs, etc.,) and more particularly, the workstations (' a check-in workstation ') utilized during the affirmation process for affirmation of given documents, transactions or events with said specific parties, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

9. Claim 5 *additionally recites* the limitations that; “The identity management system described in claim 1, further comprising

a dispatch workstation
to allow tracking of an individual with respect to the facility,

to verify the individual's employee status, and
to verify that the individual has a need to
access certain areas of the facility,
wherein
the core system is electronically connected with
the dispatch workstation.”.

The teachings of Smithies et al (Abstract, col. 1, line 15-col. 11, line 40, figures 1-3, 5 and associated descriptions, whereas the affirmation system for associating a specific party to an event, via an affirmation 'ceremony' sequence of recorded steps, implemented as part of a client/server configuration over a wide area network, and more particularly, the workstations ('a dispatch workstation') utilized during ('allow tracking of an individual ... verify the individual's employee status ... need to access certain areas [events requiring affirmation] ... ') the affirmation process for affirmation of said event(s) with said specific parties, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

10. Claim 7 *additionally recites* the limitations that; “The identity management system described in claim 1, wherein

the core system is electronically connected with
the vetting workstation and
the enrollment workstation
using

a secure connection.”.

The teachings of Smithies et al (Abstract, col. 1, line 15-col. 11, line 40, figures 1-3, 5 and associated descriptions, whereas the affirmation system implemented as part of a client/server configuration over a wide area network (i.e., the Internet /WEB, whereas inclusive of SSL, IPsec (the WEB secure communications aspects), etc.), clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

11. Claim 9 *additionally recites* the limitations that; “The identity management system described in claim 5, wherein

the core system is networked with

the dispatch workstation

using

a secure connection.”.

The teachings of Smithies et al (Abstract, col. 1, line 15-col. 11, line 40, figures 1-3, 5 and associated descriptions, whereas the affirmation system implemented as part of a client/server configuration over a wide area network (i.e., the Internet /WEB, whereas inclusive of SSL, IPsec (the WEB secure communications aspects), etc.), clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

12. Claim 12 *additionally recites* the limitations that; “The identity management process of claim 11, wherein

pre-enrolling employs at least one of

the Internet,
mail service, and
personal appearance.”.

The teachings of Smithies et al (Abstract, col. 1, line 15-col. 11, line 40, figures 1-3, 5 and associated descriptions, whereas the affirmation system implemented as part of a client/server configuration over a wide area network (i.e., the Internet /WEB, whereas inclusive of SSL, IPsec (the WEB secure communications aspects), etc.), clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

And further as per claim 22, this claim is the embodied software claim for the method claim 12 above, and is rejected for the same reasons provided for the claim 12 rejection; “The computer program of claim 21, wherein

pre-enrolling employs at least one of
the Internet,
mail service, and
personal appearance.”.

13. Claim 13 *additionally recites* the limitations that; “The identity management process of claim 11, further comprising

submitting biometric data for
identification purposes.”.

The teachings of Smithies et al (Abstract, col. 1, line 15-col. 11, line 40, figures 1-3, 5 and associated descriptions, whereas the affirmation system implemented as part of a client/server configuration over a wide area network utilizing biometric authentication/enrollment/verification aspects for the parties identification, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

And further as per claim 23, this claim is the embodied software claim for the method claim 13 above, and is rejected for the same reasons provided for the claim 13 rejection; “The computer program of claim 21, further comprising submitting biometric data.”.

14. Claim 17 *additionally recites* the limitations that; “The identity management process of claim 14, wherein

checking-in includes

obtaining the identity information queried from the core system

that includes at least one of

a facial image,

an iris scan,

hand geometry,

a fingerprint, and

the like.”.

The teachings of Smithies et al (Abstract, col. 1, line 15-col. 11, line 40, figures 1-3, 5 and associated descriptions, whereas the affirmation system implemented as part of a client/server configuration over a wide area network utilizing biometric authentication/enrollment/checking-in/verification aspects for the parties identification/affirmation, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

15. Claim 18 *additionally recites* the limitations that; “The identity management process of claim 15, wherein

conducting security checks includes

obtaining identity information queried from the core system

that includes at least one of

a facial image,

an iris scan,

hand geometry,

a fingerprint, and

the like.”.

The teachings of Smithies et al (Abstract, col. 1, line 15-col. 11, line 40, figures 1-3, 5 and associated descriptions, whereas the affirmation system implemented as part of a client/server configuration over a wide area network utilizing biometric authentication/enrollment/conducting security checks/verification aspects for the parties identification/affirmation, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

16. Claim 19 *additionally recites* the limitations that; “The identity management process of claim 16, wherein

identity verification includes

obtaining identity information queried from the core system

includes at least one of

a facial image,

an iris scan,

hand geometry,

a fingerprint, and

the like.”.

The teachings of Smithies et al (Abstract, col. 1, line 15-col.11, line 40, figures 1-3, 5 and associated descriptions, whereas the affirmation system implemented as part of a client/server configuration over a wide area network utilizing biometric authentication/enrollment/ identity verification aspects for the parties identification/affirmation, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 6, 8, 10, 16, 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smithies et al, U.S. Patent No. 6,091,835.

It is noted that Smithies et al does not disclose the distributed biometric identification system utilized in the transportation environment per se. However, the examiner asserts that it would have been obvious to one ordinary skill in the art at the time the invention was made for the affirmation system of the Smithies system to be applied as part of a transportation access control mechanism, since such control of access to transportation means/boarding, etc., by individuals using identification aspect of the affirmation process generally, and the affirmation of terms of use (i.e., a 'legal contract' inherently requiring affirmation upon acceptance, of for example, the boarding pass upon purchasing of a train ticket) would be obvious. A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art if prior art has the capability to do so (See MPEP 2114 and Ex Parte Masham, 2 USPQ2d 1647 (1987).

18. Claim 6 *additionally recites* the limitations that; “The identity management system described in claim 1, further comprising

a boarding workstation

to authorize an individual

to board a means of transportation based on

verification of the identity and

travel information regarding the individual,

wherein

the core system is electronically connected to
the boarding workstation.”.

The teachings of Smithies et al (Abstract, col. 1, line 15-col. 11, line 40, figures 1-3, 5 and associated descriptions, whereas the affirmation system for associating a specific party to an event, via an affirmation 'ceremony' sequence of recorded steps, implemented as part of a client/server configuration over a wide area network, and more particularly, the workstations ('a boarding workstation') utilized during ('to authorize an individual ... to board a means of transportation ... verification of the identity ... travel information regarding the individual [events/terms of boarding requiring affirmation] ... ') the affirmation process for affirmation of said event(s) with said specific parties, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

And further as per claim 16, this claim is the method claim for the apparatus (system) claim 6 above, and is rejected for the same reasons provided for the claim 6 rejection; “The identity management process of claim 11, further comprising

identity verification

prior to boarding a means of transportation

by at least one of

scanning the identification token of

the individual,

verifying biometric data of

the individual and

querying the core system for
identity and
travel information.”.

And further as per claim 26, this claim is the embodied software claim for the apparatus (system) claim 6 above, and is rejected for the same reasons provided for the claim 6 rejection;

“The computer program of claim 21, further comprising

boarding onto the means of transportation by

at least one of

scanning the identity token of

the individual,

verifying biometric data of

the individual and

querying the core system for

identity and

travel information.”.

19. Claim 8 *additionally recites* the limitations that; “The identity management system described in claim 6, wherein

the core system is networked with

the check-in workstation and

the boarding workstation

using

a secure connection.”.

The teachings of Smithies et al (Abstract, col. 1, line 15-col. 11, line 40, figures 1-3, 5 and associated descriptions, whereas the affirmation system implemented as part of a client/server configuration over a wide area network (i.e., the Internet /WEB, whereas inclusive of SSL, IPsec (the WEB secure communications aspects), etc.), clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

20. Claim 10 *additionally recites* the limitations that; “The identity management system described in claim 3, further comprising

a boarding workstation

to authorize an individual

to board a means of transportation based on

verification of the identity and

travel information regarding the individual,

wherein

the core system is electronically connected to

the boarding workstation.”.

The teachings of Smithies et al (Abstract, col. 1, line 15-col. 11, line 40, figures 1-3, 5 and associated descriptions, whereas the affirmation system for associating a specific party to an event, via an affirmation 'ceremony' sequence of recorded steps, implemented as part of a client/server configuration over a wide area network, and more particularly, the workstations ('a

boarding workstation ') utilized during (' to authorize an individual ... to board a means of transportation ... verification of the identity ... travel information regarding the individual [events/terms of boarding requiring affirmation] ... ') the affirmation process for affirmation of said event(s) with said specific parties, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

21. Claim 20 *additionally recites* the limitations that; “The identity management process of claim 11, wherein

pre-enrolling,

enrolling and

vetting

are performed in accord with

an access control system of

a transportation facility.”.

The teachings of Smithies et al (Abstract, col. 1, line 15-col. 11, line 40, figures 1-3, 5 and associated descriptions, whereas the affirmation system for associating a specific party to an event, via an affirmation 'ceremony' sequence of recorded steps, implemented as part of a client/server configuration over a wide area network, and more particularly, the workstations utilized during (' pre-enrolling, enrolling and vetting ... access control ... [events/terms of transportation facility utilization requiring affirmation] ... ') the affirmation process for affirmation of said event(s) with said specific parties, clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

Response to Amendment

22. As per applicant's argument concerning the lack of teaching by McCoy et al of a physical token, the examiner has fully considered in this response to amendment; the arguments, and finds that the argument is moot given the new grounds for rejection.

Conclusion

23. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861 and unofficial email is Ronald.baum@uspto.gov. The examiner can normally be reached Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063. The Fax number for the organization where this application is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Baum

Patent Examiner

/R. B./

Examiner, Art Unit 2139

/Kristine Kincaid/

Supervisory Patent Examiner, Art Unit 2139

